

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Regarding the  
Implementation of the Suspension of Direct  
Access Pursuant to Assembly Bill 1X and  
Decision 01-09-060.

FILED  
PUBLIC UTILITIES COMMISSION  
JANUARY 9, 2002  
SAN FRANCISCO OFFICE  
RULEMAKING 02-01-011

**ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE'S RULING  
SHORTENING TIME TO RESPOND TO ANY  
APPLICATIONS FOR REHEARING OF D.02-03-055**

Decisions (D.) 02-03-055 was adopted by the Commission at the meeting of March 21, 2002, and mailed to the parties on March 25, 2002. The decision construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature's First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB 1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Public Utilities Code Section 1731, and added Public Utilities Code Section § 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within 10 days after the date of issuance of the decision. Accordingly, applications for rehearing of D.02-03-055 are due 10 days after the issuance of

those decisions.<sup>1</sup> Applications for rehearing of these decisions must be filed by April 4, 2002.

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue any decision and order on rehearing of D.02-03-055 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on April 22, 2002.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule, responses would not be due until April 19, 2002, three before the April 22, 2002 Commission meeting. Therefore, so that the Commission may consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,<sup>2</sup> the time for filing a response to any application for rehearing shall be shortened to April 8, 2002. Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before April 8, 2002.

Due to the expedited appellate schedule, any applications for rehearing and responses shall be served by electronic mail on those parties who have

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<sup>1</sup> In D.02-03-055, the Commission specifically noted the applicability of Public Utilities Code Section 1731(c), and in particular the 10-day time for filing applications for rehearing.

<sup>2</sup> See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any applications for rehearing and responses shall be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

Therefore, **IT IS RULED** that the time for filing a response to any applications for rehearing of Decisions (D.) 02-03-055 that may be filed shall be shortened. Parties shall file responses on or before April 8, 2002. Any party filing applications for rehearing or responses to such applications shall serve the responses in the manner specified above.

Dated March 25, 2002, at San Francisco, California.

/s/ ANGELA K. MINKIN

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Angela K. Minkin  
Assistant Chief  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Assistant Chief Administrative Law Judge's Ruling Shortening Time to Respond to Any Applications for Rehearing of D.02-03-055 on all parties of record in this proceeding or their attorneys of record. In addition, service was also performed by electronic mail.

Dated March 25, 2002, at San Francisco, California.

/s/ MAE F. DYSON

Mae F. Dyson

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.